

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, DECEMBER 2, 2008
7:30 p.m.

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and lead the Pledge of Allegiance.

Council member Grim gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A. Fravel, Jr.,
Council member Michael Grim, Council member James Harter, Council member Hollis.

Staff present: Mike Kehoe, Town Manager; Kathy Monk, Town Treasurer; Brian Henshaw,
Town Planner; Dianne MacMillan, Town Clerk; Charles Bockey, Chief of Police

Press: Jason Kane, Winchester Star; , Northern Virginia Daily

ACTION AGENDA

Mayor Ewing asked that the Agenda be amended to add a preliminary presentation to Council for information only on the Russell rezoning application. Council member Grim moved to adopt the agenda as amended and the motion passed.

PUBLIC COMMENTS

None

MINUTES – November 4, 2008 Regular Meeting

Council member Grim moved for approval of the minutes of November 4, 2008 as presented and the motion carried by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

TREASURER’S REPORT

The Mayor asked for questions or comments on the Treasurer’s report and there were none. The Treasurer’s report was accepted as presented.

POLICE REPORT

Mayor Ewing said the police report had been distributed, asked for any questions or comments and there were none. The police report was accepted as presented.

ACTION AGENDA

A. 1st and 2nd Readings of Amendments to Chapters 3 and 4 of the Town Code

Mayor Ewing noted that these amendments were the subject of public hearing at the November Council meeting. He stated that Chapter 3 addressed animals and Chapter 4 covered building regulations. Council member Hollis moved to repeal, revise and re-enact Chapter 3 and the motion passed. Council member Fravel moved to repeal, revise and re-enact Chapter 4. Council member Grim questioned Section 4-4(b) Unsafe Building regarding vacant properties. He stated that the definition was very broad making it possible for the town to take action on a property if it was only uninhabited for a few months. Mr. Kehoe advised that the proposed change would enable the town to ask the building official to determine the safety of the building. After further discussion a change of wording was suggested.

Council member Fravel moved to amend his motion to include the change to the last sentence in Section 4-4(b) by replacing the word “unguarded” with the word “unsecured” and the motion passed.

An Ordinance to Repeal, Revise and Re-enact Chapter 3 - Animals

Adoption – Repeal, Revise, Re-Enact Chapter 3, Animals of the Town Code

Mayor Ewing asked that the clerk read the ordinance by title only for the first reading. The Clerk read “An Ordinance to Repeal, Revise and Re-enact Chapter 3, Animals of the Code of the Town of Stephens City”. Councilmember Hollis moved to accept the first reading of the ordinance and the motion passed

Mayor Ewing asked the Clerk to read the ordinance by title only for the second and final reading. The Clerk read “An Ordinance to Repeal, Revise and Re-enact Chapter 3, Animals of the code of the Town of Stephens City”.

Vice Mayor Shull moved that the Town Council repeal, revise and re-enact Chapter 3, Animals of the Code of the Town of Stephens City. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Nay
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

An Ordinance to Repeal, Revise and Re-enact Chapter 4 – Buildings

Adoption – Repeal, Revise and Re-enact Chapter 4, Buildings of the Town Code

Mayor Ewing asked the Clerk to read the ordinance by title only for the first reading. The Clerk read “An Ordinance to Repeal, Revise and Re-enact Chapter 4 of the Code of the Town of Stephens City”. Council member Harter moved to approve the amendment on the first reading and the motion passed.

The Mayor asked the Clerk to read the amendment by title only for the second and final reading. The Clerk read “An Ordinance to Repeal, Revise and Re-enact Chapter 4 of the Code of the Town of Stephens City”.

Vice Mayor Shull moved that the Council amend Chapter 4 of the Town code for the purpose of setting a fee for issuing a business licenses.” The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

B. Agreement with Division of Motor Vehicles – for Permanent Decal Enforcement

Mike Kehoe, Town Manager reported that the Finance Committee had been reviewing plans to institute a permanent decal and that the best way to collect the required taxes was to work with DMV to put a stop on state renewals until the town taxes are paid. He said the program could be implemented in 2009 if information required by DMV was provided and the necessary agreement was executed. He asked that Council authorize the Town Treasurer to sign the necessary agreement with DMV to implement permanent decals. Council member Grim asked if the ordinance would need to be rewritten and Mr. Griffin, Town Attorney, said that it would not. Council member Bowers asked if information would be given to just the local DMV or to Richmond. Mr. Griffin said that it would be in the central data base for Virginia. Town Treasurer, Kathy Monk suggested that citizens be required to come into the town office in 2009 to get decals instead of mailing them out. She said this would ensure that the majority of the residents’ taxes would be paid and they could be made aware of the change to a permanent decal system. Council agreed to this procedure.

Council member Grim moved that the Town Council authorize the Town Treasurer to enter into an agreement with the Division of Motor Vehicles in order to make a permanent decal system for the town viable. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

C. Appointment of Liaison to Stephens City Fire and Rescue Co.

Mayor Ewing said that the Town Council needed to be apprised of situations with Fire and Rescue on a timely basis and suggested that the Chairman of Public Safety, Council member Ron Bowers be appointed as liaison.

Council member Hollis moved that the Council of the Town of Stephens City appoint Council member Ron Bowers as liaison to the Stephens City Fire and Rescue Company. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

D. Resolution of Appreciation – 250th Anniversary Celebration Participants

Mayor Ewing said that the 250th Anniversary was a success and those who participated should be recognized for their contributions. Mr. Kehoe said everyone who took part should be thanked and offered the attached resolution of appreciation for Council's consideration. He said they would be sent to the participants.

Council member Grim moved that the Council adopt the attached Resolutions of Appreciation regarding the 250th Anniversary celebration. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

E. Russell Rezoning Preliminary Presentation

Mayor Ewing asked Town Planner, Brian Henshaw for a brief background on the presentation. Mr. Henshaw reported that the Planning Commission took action at its last meeting to refer the rezoning application to Council for preliminary review. He said a full presentation would be heard at the Public Hearing. He recommended that the public hearing be held at the next Council meeting after the Joint Land Use Committee's public hearing. He noted that Patrick Sowers from Patton, Harris Rust & Assoc. was present as well as Clay Athey and both had brief presentations.

Mr. Sowers addressed the proposed plans for the northern most portion of the Phase I Annexation Area. He pointed out the roads, mixed use areas and residential areas on the plan. He said the road placement would continue the grid pattern of the town and bike/walking trails would be planned around the development. He indicated the location of a possible elementary school. He said further details would be available at the public hearing.

Mr. Clay Athey addressed Council regarding cash proffers. He said that it was appropriate for Council to consider this aspect of the proposal. He detailed the proposed proffers and added that there would be money proffered to Frederick County Sanitary Authority to extend lines into the proposed development.

Mayor Ewing asked if the next step would be the public hearing before Council. Mr. Griffin suggested that Council not move forward before the Joint Land Use Committee approves the amendments to the land use plan. After further discussion, Council decided to defer the public hearing to February and continue discussions at the January meeting.

COMMITTEE REPORTS

Mayor Ewing said that the committee reports were included in the packet.

Council member Bowers, Chairman of Parks and Recreation was asked about the kiosk in the park. He said that the scout constructing it would have it finished as weather permits.

PLANNER'S REPORT – Brian Henshaw

Mr. Henshaw reported the updated Erosion and Sediment Control Ordinance was included for Council's review. He said that legislation is needed to enable him to run the program. The Mayor asked that the Administrative Committee and Mr. Griffin review the changes to the ordinance and that after this review a public hearing could be held by Council in January.

Mr. Henshaw informed the members that there would be a social hour on Wednesday from 3:00 to 5:00 pm for local businesses. He said that this networking social would encourage local businesses to come together as a group for promotional purposes.

He also reminded those present about the Christmas on the Commons to be held on Saturday. He said that the event would be geared toward children and family and the hours would be 3:30 pm to dark.

TOWN MANAGER'S REPORT – Mike Kehoe

1. Mr. Kehoe reported that the sewer line flow study continued with the western branch data collection almost complete to be followed by the eastern branch in another month. He said the data gathering was interrupted by two rain events.
2. Mr. Kehoe noted that building permits of all kinds issued by the town stopped completely in August and not even a deck permit was requested since then.
3. Mr. Kehoe reminded Council that the offices will be closed for Christmas on the 24th and 25th and the employees had requested that the offices be closed on the Friday following Christmas as well. Council member Hollis said he did not imagine that there would be much business on that Friday and that it might cost more to be open one day. Mr. Kehoe noted that the newsletter did not state that the office would be closed that day. Mayor Ewing asked if there were any bills due on that date and he was advised that there were not.

Council member Hollis moved that the town offices be closed on Friday, December 26th and the motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

COUNCIL COMMENTS/CALENDAR

Council member Hollis asked if there needed to be a Finance Committee meeting to review the audit as planned and he was informed that the audit would not be complete in December.

Mr. Kehoe said there may be a need for a Personnel Committee meeting because a town employee was planning to retire in January.

There being no further business, Council member Grim moved to adjourn at 8:40 p.m. and the motion carried.

Ray E. Ewing, Mayor Ray Ewing

Dianne L. MacMillan, CMC, Town Clerk